



*Western*

*Australia*

## **RECORD OF INVESTIGATION INTO DEATH**

*Ref No: 26/17*

*I, Evelyn Felicia Vicker, Deputy State Coroner, having investigated the suspected death of **Petronella ALBERT**, with an Inquest held at Broome Coroners Court, Broome Courthouse, Hamersley Street, Broome, on 4-5 July 2017 find the death of **Petronella ALBERT** has been established beyond all reasonable doubt, the identity of the deceased was **Petronella ALBERT** and death occurred between 28 April 1999 and 5 May 1999 at a place unknown, but probably in the vicinity of Broome, in the following circumstances:-*

### **Counsel Appearing:**

Sergeant L Housiaux assisted the Deputy State Coroner

Ms C. Chapman (State Solicitors Office) appeared on behalf of the Commissioner of Police

Mr P. Gazia and with him Ms E. Langoulant (Aboriginal Legal Service) appeared on behalf of the mothers of the deceased, Ms Patricia and Ms Esther Albert

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## INTRODUCTION

On 10 March 2016 the State Coroner was provided with a report prepared by the WA Police (WAPol) into the circumstances surrounding the disappearance of Petronella Albert (Petronella) who had been reported as a missing person on 3 May 1999.

Petronella disappeared from in and around Broome on or about 29 April 1999, although the precise date and time are unclear due to the conflicting evidence surrounding her last sighting. Her disappearance was first reported to police on 3 May 1999 and at that stage she was treated as a missing person. She was not located. The matter was closed due to an unsubstantiated sighting.<sup>1</sup>

Petronella was 22 years of age. By 2017 she would have been 41 years of age.

The deceased remained missing and two other investigations were commenced in 2007 and 2010, neither of which were completed. By 2015 it became increasingly clear, with the elapse of time, it was likely Petronella was no longer alive and that her death was a reportable death because it was likely it was unexpected, unnatural, violent or resulted from injury.

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<sup>1</sup> t 05.07.17, p119

Section 23 (1) of the *Coroners Act 1996* (WA) gives the State Coroner jurisdiction to investigate a suspected death where it is reasonable to suspect a missing person has died in circumstances which made it a reportable death. Once the State Coroner has directed an investigation into a suspected death a coroner must hold an inquest into the circumstances of the suspected death of that person to establish beyond all reasonable doubt the missing person is deceased, and where possible, how the death occurred and the cause of the death (Section 23 (2)).

One of the major difficulties in clarifying the information around Petronella's death in 2017 has been the elapse of time which has seriously affected accurate recall of events and, quite significantly, the loss of the Broome Detectives file of any investigations made in 1999, apparently due to water damage. The paucity of information initially made it appear the disappearance had not been seriously investigated. However, during the inquest it became apparent a number of witnesses had provided information at the time of Petronella going missing, or shortly thereafter, and were aware of the fact they could no longer recall the detail they had provided.<sup>2</sup>

It is quite possible there was information on the file which is now irrecoverable, but which could have been significant.

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<sup>2</sup> t 04.07.17, p37; Statement of Giulia Benaldi provided to all parties after the inquest. (para 31) following media coverage of the inquest.

## *The Deceased*

According to the Broome Hospital records Petronella was born on 26 June 1976 in Broome Hospital.<sup>3</sup> All other official records indicate Petronella was born on 7 July 1976 and this is quoted by her mother, Patricia Albert,<sup>4</sup> in her statement. Petronella's birth was not recorded at the Registry of Births, Deaths and Marriages and her birth date has generally been reported as 7 July 1976, although I suspect the Broome Hospital record of 26 June 1976 is the accurate record.<sup>5</sup>

Patricia Albert (Mother) was Petronella's biological mother, however, Petronella was adopted by her grandmother and lived with her grandmother and her mother's step sister Esther Albert (mum). Her biological father was Freddy Charles.<sup>6</sup> Petronella called her grandmother "nanna" and her step aunt, "mum". Petronella lived in Placanica Place, Broome, with her nanna until her nanna died, following which she lived with her mum, Esther Albert, in Forrest Street, Broome.

Petronella was well liked, and very friend and family orientated. She was well known in and around Broome and, in the circles in which she moved, was noted on a daily basis to be either with family or friends, fishing during the day and frequently partying in the evenings and night time.

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<sup>3</sup> Ex 1, tab 62 & 63

<sup>4</sup> Ex 1, tab 12

<sup>5</sup> Ex 1, tab 59

<sup>6</sup> Ex 1, tab 10

She did not own a car because she had no motor drivers' licence and she had no employment, relying on Centrelink for income. While some family members believed Petronella to be family orientated and not to go out very much, it is clear those who knew her well knew she spent a lot of time partying, either at friends' and family's homes or in the various places in and around Broome which offered evening entertainment, such as the Roebuck Hotel or the Nippon Inn nightclub.

In the years immediately preceding her death Petronella was involved in an on and off, volatile relationship with Jason Cook.<sup>7</sup> They lived in a variety of places, both with Mr Cook's father and Petronella's mum. The information is consistent that Mr Cook and Petronella frequently argued, although there are differences as to the dominant person in the relationship. Mr Cook's friends thought Mr Cook was calmer and less volatile than Petronella, although when they had both been drinking, which appears to have been frequently, the relationship could become violent on both sides.<sup>8</sup> Petronella's mum certainly pointed out Petronella could hold her own in a fight and she was a good fighter.<sup>9</sup> It is clear from the evidence Mr Cook drank a fair amount in 1999. I suspect the effect on Mr Cook's memory has been significant.

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<sup>7</sup> t 04.07.17, p88, p100-101

<sup>8</sup> t 04.07.17, p71

<sup>9</sup> Ex 1, tab 10 & tab 4

## *Disappearance*

In April 1999 it is generally agreed Petronella and Jason Cook lived at 4B Placanica place, however, Mr Cook's recall is very patchy and he believes they were both living with her mum, at Forrest Street.<sup>10</sup> That was not the address recorded by police on their missing person report of 3 May 1999 which was presumably provided by Mr Cook when he reported her missing on 3 May 1999.<sup>11</sup>

The lifestyle Petronella was leading in April 1999 made it fairly difficult to be certain of where she was actually sleeping at any one time or whether she considered herself to be in a stable relationship with Mr Cook. The more accurate interpretation appears to be that she lived partly with her mum, partly with Mr Cook, and also showered and had changes of clothing at other addresses, including that of Mr Philip Bickley.<sup>12</sup>

I am of the opinion it is for this reason her precise day to day movements between 28 April 1999 and 4 May 1999 are not clear. Certainly it was Petronella's habit to appear at either her mum's or Mr Cook's address at varying times during any 24 hours depending on her inclination. Petronella's mum believed she usually saw Petronella daily during that time although she did comment that sometimes

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<sup>10</sup> † 04.07.17, p88

<sup>11</sup> Ex 1, tab 51

<sup>12</sup> † 04.07.17, p60, p101

she would disappear for a day or two after having been out and not returning home.

Mr Cook is adamant he was working on a work for the dole scheme at that time and was working during the day. He stated Petronella frequently did not come home in the evenings and when she did appear in the early hours of the morning she may stay, ask for money, or go out again.<sup>13</sup>

The nature of her relationship with Mr Cook, being volatile and intermittent, meant it was not always clear as to where she was at any one time, although I am satisfied she did remain in and around Broome, because she was seen frequently with different members of her family, fishing or in town, and was usually at one of the party spots when those were open in the evenings.

It is almost impossible to pick a specific date in that time frame to say that was the day she went missing. A number of the reports from her friends and people who knew her seem to tie together four possibly different evenings as being 28 April, but the only contemporaneous recording of a date for a firm sighting of Petronella was that in Mr Bickley's diary for 4 May 1999, the day after she was reported missing by Mr Cook and her mother.

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<sup>13</sup> † 04.07.17, p89, p91

The diary entry and Mr Bickley's recall are that Petronella turned up at his home in Dann Place on the evening of 4 May 1999 when he had a visitor present. Petronella had clothes at Mr Bickley's house and she asked if she could shower before going out to the night club. She showered and changed and Mr Bickley's recall is that she looked pretty spectacular as she set off for her evening out.<sup>14</sup> As she left she said "*I'll see you tomorrow*", but he did not see her again and later discovered she had been reported as missing. He then made an entry in his diary underneath the entry on 4 May 1999 saying "*now missing*".

In evidence Mr Bickley confirmed he wrote his diary daily in order to help him remember events and he was adamant that entry would have been written on 4 May 1999 with the "*now missing*" added later when he discovered she was missing.<sup>15</sup> Mr Bickley is adamant he had no hand in Petronella's disappearance and there is no evidence which would support that he did.<sup>16</sup>

That sighting of Petronella at Mr Bickley's home on 4 May 1999 dovetails with the recall of Mr Raymond Ramirez who said he had taken Petronella to Mr Bickley's home in Dann Place on the last occasion on which he had seen Petronella in Broome. Mr Ramirez did not know Mr Bickley's name,

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<sup>14</sup> Ex 1, tab 6 & t 04.07.17, p61

<sup>15</sup> t 04.07.17, p68, p74, p79

<sup>16</sup> t. 04.07.17, p70

but he did identify Mr Bickley later for the police.<sup>17</sup> Mr Ramirez was unaware of the date on which he had taken Petronella to Dann Place, only that was his last sighting of her.

Similarly, the evidence of Quenten Bruce and Christine Hunter appears to dovetail together in that Mr Bruce recalled the last time he believed he had seen Petronella was at the Nippon Inn on either a Thursday or Friday, 27 April 1999.<sup>18</sup>

Mr Bruce had first spoken to the police in 2004 and stated he had seen Petronella at the Pearlers Bar at the Roebuck Bay Hotel in Carnarvon Street, Broome. He believed that was about 10.30 pm when she walked up and spoke with him for a short while before leaving. Mr Bruce then saw her later that night/next morning at the Nippon Inn nightclub on Dampier Terrace, Broome.

In his original statement he said she told him she had just split up from her boyfriend, Jason, and was in party mode. He said that when he saw her at the Nippon Inn following seeing her at Pearlers Bar, she was with a man he believed to be Geoffrey Nicholls. He described Mr Nicholls as fat, but not flabby, while at the inquest he recalled the man she was with at the Nippon Inn nightclub as being fat and round.

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<sup>17</sup> Ex 1, tab 5, tab 46 & t 05.07.17, p85

<sup>18</sup> t 04.07.17, p47

Otherwise the descriptions are fairly similar, but differ from some other descriptions of Mr Nicholls.

On the occasion Mr Bruce saw her at the Nippon Inn nightclub with this man he went outside with her and the man to smoke marijuana and did not like the man Petronella was with. He later told Petronella he thought the man was creepy, partially because of the things he had said about what he wanted to do to Petronella.<sup>19</sup>

This evidence roughly fits with that of Christine Hunter's last sighting of Petronella.<sup>20</sup> Ms Hunter recalled she had seen Petronella playing pool at the Pearlers Bar when Ms Hunter was on her way to the Nippon Inn. She said Petronella was drinking and in a happy mood and with a couple of "*white fellas*". In evidence she stated she didn't take any notice of those two men, although she did know Mr Nicholls and believed if one of them had been Mr Nicholls she would have recognised and remembered him. She stated she did not think Petronella knew Mr Nicholls.<sup>21</sup>

Ms Hunter told Petronella she was going to the Nippon Inn and Petronella stayed at Pearlers Bar with the stated intention of later catching up with Ms Hunter. Ms Hunter said she did not see her at the Nippon Inn later that evening and she believed she would have seen her if she was there

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<sup>19</sup> Ex 1, tab 7 & t 04.07.17, p52

<sup>20</sup> Ex 1, tab 35 & t 05.07.17, p137

<sup>21</sup> t 05.07.17, p139-140

although she did agree she was fairly drunk in those days and her recall was not good.

As far as Ms Hunter was concerned that sighting of Petronella at Pearlers Bar earlier on an evening before she was intending to go to the Nippon Inn was the last time Ms Hunter spoke to Petronella. Later, when police spoke to her about Petronella going missing, that was her recollection of the last time she had seen her.<sup>22</sup>

The difficulty with dating these last sightings is the fact Petronella was known to frequent both places on a regular basis.

Again the evidence of Petronella's step sister, Veronica Majella Albert, is that Petronella was well known and well liked around Broome while Ms Albert was resident in Broome. She was older than Petronella and she had left Broome to go to Darwin. On her return to Broome she described Petronella as living in Placanica Place with Jason Cook. The last time Ms Albert saw Petronella, was she believed, a Wednesday because she believed that was the day on which she received her pension. She was living at Dakas Street in Cable Beach. Ms Albert does not remember the date, but it was approximately 8.30 pm to 9.00 pm when Petronella knocked on her door and asked for some

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<sup>22</sup> Ex 1, tab 4

money. Ms Albert provided her with \$10 and she left in the taxi she had arrived in. Ms Albert never saw her again.<sup>23</sup>

Ms Albert states she and her mother, Esther Albert, later went into the town area looking for Petronella because she had not been seen again. Ms Albert recalled her mother going to the police to report Petronella as missing.

It would seem likely that Wednesday was the one in close proximity to the one described by Mr Bruce where he saw Petronella firstly at Pearlers Bar and then later at the Nippon Inn, with someone he believed to be Geoffrey Nicholls.

All these sightings appear to have been in the week preceding 29 April 1999, despite Mr Bickley's diary entry on 4 May 1999 that Petronella had been at his home to shower and change before going out to the Nippon Inn. Mr Bickley's entry, however, is consistent with Petronella not going home in that time period and may account for the belief she was missing and so reporting her as missing to police on 3 May 1999. This confirms people who knew Petronella were usually aware of where she was within a few days and makes it very probable that when she disappeared people were aware of her absence within days despite her not always sleeping in the same place.

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<sup>23</sup> Ex 1, tab 4

There is an entry in the missing persons investigation running sheets, on 25 June 1999, that WAPol received information Mr Nicholls may be of interest in the disappearance of Petronella. That note indicated Mr Nicholls was seen with Petronella at the Nippon Inn on either 4 or 5 May 1999, although the accounts could not be confirmed at that time.<sup>24</sup>

Esther Albert, Petronella's mum, explained in evidence she had gone to the police in Broome to record Petronella as missing on 3 May 1999. On her way to do that she had run into Jason Cook. They had discussed the fact neither of them had seen Petronella for a while and Ms Albert was on her way to the police station to report her missing.<sup>25</sup> Mr Cook went with Ms Albert and he is recorded as the person making the missing person report, although his evidence on all occasions has been very confused.

Ms Albert said it was unusual for her not to see Petronella at least daily, and she was adamant that if Petronella was still alive she would have contacted her family. I see no reason to discount that assertion in the long term, however, if Petronella was avoiding Mr Cook at that time for some reason, or avoiding going home it would account for Ms Albert not seeing her before her disappearance in the short term.

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<sup>24</sup> Ex 1, tab 53

<sup>25</sup> † 04.07.17, p32

While Mr Cook's evidence about his last sighting of Petronella is extremely confused, I do not discount it as irrelevant. It is clear Mr Cook was significantly affected by alcohol for most of that time, and it probably still affects his recall of events.

Mr Cook described a series of events as his last knowledge of Petronella. I believe them to be 'snap shots' of the time rather than a chronological sequence. He described events whereby he and Petronella had argued, specifically over money, and he had followed her on one occasion to where he believed she was drinking at the Nippon Inn. He had not been allowed into the nightclub, because he was drunk, and I suspect also angry, and had seen Petronella from outside dancing with someone inside.

It was not clear from his description whether that was post or pre-events where Petronella had gone home, asked him for money, and when he would not give her any they had a fight and she had apparently smashed a model ship his father had made.<sup>26</sup> These confused memories certainly confirm the relationship was very unstable at that time and Petronella may well have considered herself free to come and go as she chose.

At the time of making the missing person report on 3 May 1999 Mr Cook had given Petronella's address as 4 Placanica

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<sup>26</sup> † 04.07.17, p87, p100

Place, Broome. He reported he had been the last person to see her, that he was her boyfriend (although there appeared to be some dispute about the currency of that relationship)<sup>27</sup>, that Petronella was usually reliable and that she left the house at 8.30 pm on Wednesday 28 April and told him she was going to visit with friends.<sup>28</sup>

Mr Bruce put a timeframe on his talking with Petronella at Pearl's Bar, and later the Nippon Inn with possibly Mr Nicholls, at either the Thursday or Friday of that week, while Mr Bickley recorded Petronella at his home in the early evening of 4 May 1999 intending to go nightclubbing.

I speculate the most accurate interpretation of those events was that Petronella considered she and Mr Cook had separated for a period and she was staying at various places while going out nightclubbing in the evening. It is very difficult to be more specific than that about her actual last sighting at the Nippon Inn which I believe was the last place she was seen alive by anyone from whom we have evidence.

Information provided to police post the inquest on 4-5 July 2017 does not really take the actual date or circumstances of Petronella's disappearance any further. Frances Johnson advised police she had last seen Petronella on a Thursday, Friday or Monday morning, outside the Commonwealth Bank in Broome arguing with Mr Cook. Approximately an

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<sup>27</sup> † 04.07.17, p48

<sup>28</sup> Ex 1, tab 51

hour later she saw Petronella standing by the telephone booths as she came out of Fong's store. There was a small blue car (this is consistent with a car Mr Nicholls was alleged to have stolen one day in that time frame) beside the booths in which a white man was sitting who appeared to note Ms Johnson's contact with Petronella. Ms Johnson offered to take Petronella to see her father, but Petronella would not get into her car and so she left her there.<sup>29</sup>

Similarly Giulia Benaldi provided a statement to the effect she had seen Petronella on one day in April 1999 at Kinney's store with Jane Fong. It was after lunch and Petronella came into the store and appeared stressed. She believed she was about to be 'beaten up' although Ms Benaldi could not see to whom Petronella was referring. Ms Benaldi took Petronella through the store and let her out the back. That was the last time she had seen Petronella. Ms Benaldi had provided a statement to police in May 1999 but had heard during the course of the 2017 inquest the file had been destroyed in a flood. She recalled an Aboriginal Police Liaison Officer by the name of Damien Manado had been participating in the 1999 investigation.<sup>30</sup>

On 9 November 2017 Mr Manado provided as much information as he could recall concerning the original investigation into Petronella's disappearance at the time she was reported missing. Mr Manado confirmed the Broome

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<sup>29</sup> Email communication Detective Sergeant Palmer to Office of the State Coroner 8 August 2017.

<sup>30</sup> Statement of Giulia Benaldi provided to parties 18 July 2017.

police had conducted enquiries and taken statements from anyone who believed they had seen Petronella in an attempt to locate her during 1999 and into 2000-2001. This included discussions with Jason Cook, both at the time of her disappearance and into 2000-2001 after Mr Cook had travelled to Karratha to look for her, following a reported sighting which was never confirmed. Mr Manado could not recall anything significant to flow from the enquiries conducted prior to the police file disappearing, despite extensive interviews with people with whom Petronella socialised.<sup>31</sup>

### **POST DISAPPEARANCE**

Once Petronella had been recorded as a missing person it generally became well known around Broome that Petronella was missing and people started to recall their last sightings of her as recorded above. As a result of Petronella being missing everybody took note of the events they could remember of that time period.

One of those people was John Kuiper.<sup>32</sup>

In evidence by video-link Mr Kuiper pointed out he no longer lived in Broome, but he had in 1999 as had his ex-

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<sup>31</sup> Email Detective Sergeant D. Palmer of discussion with Ernest Damien Manado to Sergeant L. Housiaux dated 9 November 2017

<sup>32</sup> Ex 1, tab 29

wives and children. He had known Petronella from when she was a child at school in Broome.<sup>33</sup>

In 1999 he was living at Foster Court, Broome, and his son, Andrew, was in Broome Prison with a man call Geoffrey Nicholls. In 1999 the prisoners at Broome Prison ran a trustee system with the Broome police station where those trustees attended various locations around Broome to assist in cleaning. On one occasion while his son was in prison but working as a trustee he introduced Mr Kuiper to this person “Geoff”.

Investigations by police confirmed Andrew was in prison on remand from 22 October 1998 through to release on 19 May 2000. During that time Geoffrey Nicholls was in Broome Prison as a sentenced prisoner from 30 June 1998 and was released on 24 April 1999. This was in the timeframe immediately before Petronella was last seen.<sup>34</sup>

Mr Kuiper stated that following being introduced to ‘Geoff’, as his son, Andrew’s friend while they were in prison together, his son had told Mr Nicholls that he could store some goods at Mr Kuiper’s home. On his release from prison Mr Nicholls went to Mr Kuiper’s home in Foster Court, Broome, with a number of boxes with his personal belongings. He arrived at Mr Kuiper’s home in an old white Datsun car with a lift up boot. Some of those boxes

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<sup>33</sup> † 05.07.17, p111

<sup>34</sup> Ex 1, tab 58

contained a significant quantity of tablets Mr Kuiper was aware were used for the treatment of schizophrenia.

Mr Kuiper did not want Mr Nicholls staying at his home because he did not like him particularly, and he explained that while Mr Nicholls certainly stored boxes at his home Mr Nicholls lived at a caravan at Cable Beach Caravan Park.<sup>35</sup>

At some time while Mr Nicholls had items stored at Mr Kuiper's home, Mr Kuiper became aware through conversations with Mr Nicholls that Mr Nicholls had assisted a detainee from a detention centre just out of Broome. Mr Nicholls told Mr Kuiper he had taken some clothing, a torch, water and a compass to an Indonesian escapee and that he had taken a woman to the camp "*with him*".<sup>36</sup>

Mr Kuiper described Mr Nicholls as leaving Forster Court late one night and not arriving back until early morning. Mr Kuiper recalled this as being in the same time frame as the disappearance of Petronella. Mr Nicholls had told Mr Kuiper he had taken a woman with him whom Mr Kuiper believed to be Petronella. On his return to Mr Kuiper's house in the morning Mr Nicholls appeared "*really shaky*"<sup>37</sup> and Mr Kuiper stated that Mr Nicholls had told him he had

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<sup>35</sup> Ex 1, tab 29, t 05.07.17, p109, p113

<sup>36</sup> Ex 1, tab 29, t 05.07.17, p111

<sup>37</sup> t 05.07.17, p110, 118

*“kicked the crap out of this sheila and then kicked her out the car”*.<sup>38</sup>

In evidence Mr Kuiper stated Mr Nicholls had actually stated it was Petronella.<sup>39</sup> In his statement Mr Kuiper only referred to the description of the woman Mr Nicholls had beaten up as being a description of Petronella.

Mr Kuiper also gave a reason for believing it was Petronella as his daughter in-law, Christine Hunter, stating she had seen Mr Nicholls pick Petronella up in his vehicle. However, Ms Hunter did not support that in her evidence.<sup>40</sup>

Mr Kuiper outlined that he had asked Mr Nicholls to remove his boxes from Mr Kuiper’s house because he did not like having them there. Mr Nicholls arrived at the home to remove his boxes when a number of Mr Kuiper’s children were there and offered to assist with placing the boxes back into Mr Nicholls car. This was only days after he had brought the items around in the first place, but after he had appeared very shaky one morning alleging he had assaulted an aboriginal woman.

Mr Nicholls behaved very strangely and would not let anyone look in the boot of the Datsun.<sup>41</sup> Mr Kuiper’s daughter, Anna, who did not live with her father, but

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<sup>38</sup> Ex 1, tab 29

<sup>39</sup> † 05.07.17, p126

<sup>40</sup> † 05.07.17, p135

<sup>41</sup> † 05.07.17, p109, † 04.07.17, p41

visited, recalled the same event, but she remembered the vehicle as a hatchback and described how she had seen into the back seat area of the vehicle at the same time Mr Nicholls was refusing to allow any of the family to open the boot.

Ms Kuiper described noticing some rags wrapped around a wooden handle or pole which she believed could have been a shovel. She stated the stains on the rags did not appear to be paint, Mr Nicholls alleged occupation, and looked a dark brown colour like dried blood.<sup>42</sup> All the paint tins in the vehicle were white. Ms Kuiper did not know Petronella, but recalled the event with Mr Nicholls and his refusal to open his boot as being about the time Petronella was reported missing and everybody in Broome was talking about her disappearance.

Ms Kuiper seems to have confused two cars Mr Nicholls was alleged to have used at that time, one of which was stolen, but is clear about her recollection of the event itself.

Immediately after refusing to open the boot to allow the boxes to be put there, Mr Kuiper stated Mr Nicholls “*got in the car and drove off*” leaving the rest of the boxes at Mr Kuiper’s house.<sup>43</sup>

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<sup>42</sup> † 04.07.17, p44

<sup>43</sup> † 05.07.17, p123

In evidence Mr Kuiper stated he had assisted Mr Nicholls unload the items from the boot of his car originally and on that occasion there had been no problem with Mr Kuiper seeing into the boot.<sup>44</sup>

In addition, Mr Kuiper also remembered that he went to the bottle shop with Mr Nicholls, who wished to buy him some beer in return for having allowed him to store his items at Mr Kuiper's home, and on the appearance of a police officer in the vicinity of Mr Nicholls, he attempted to hide. When Mr Kuiper's asked Mr Nicholls what he was doing he said he was worried the police might be looking for him because of the escaped detainee.<sup>45</sup> There was also an incident involving Mr Nicholls allegedly taking a friend's car (the hatch back) and disappearing with it in that timeframe.

Ms Hunter's evidence with respect to the disappearance of Mr Nicholls with her friend's car is similar to that of her then partner Andrew Kuiper, and his father, John Kuiper, which supports Mr Kuiper's recall of some specific incidents during Mr Nicholls short stay in Broome after his release from prison.

Mr Kuiper said that when Mr Nicholls returned him to his home after the bottle shop incident, Mr Nicholls went to the caravan park to change the tyres on his car, and then later re-attended at Mr Kuiper's home to say he was going to New

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<sup>44</sup> † 05.07.17, p124

<sup>45</sup> † 05.07.17, p125

South Wales. Mr Kuiper did not believe the vehicle he was driving would make it to Sydney, and despite phone calls from Mr Nicholls pretending he was on the road, Mr Kuiper did not believe him.<sup>46</sup>

Mr Nicholls was shot by police in South Australia in 2001 following an event in Oodnadatta. At that time Mr Nicholls was travelling with another Aboriginal woman and her two children.<sup>47</sup>

It would be fair to say Mr Kuiper's is absolutely convinced Mr Nicholls was responsible for the disappearance of Petronella shortly after Mr Nicholls release from prison on 24 April 1999.<sup>48</sup>

In evidence Mr Kuiper explained he attempted to report the events concerning Mr Nicholls and his refusal to open the boot of his car when he became aware of Petronella's disappearance. However, was put off because his son was at the police station and the police were more interested in his son's assertion Mr Kuiper had dead bodies in his back yard. These were dead cats.<sup>49</sup> Mr Kuiper never managed to convey his concerns about Petronella's disappearance to the police at that time.

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<sup>46</sup> † 05.07.17, p112

<sup>47</sup> † 05.07.17, p115, Ex 1, tab 32

<sup>48</sup> † 05.07.17, p114

<sup>49</sup> † 05.07.17, p108, p111

Once he moved to another state he again provided police with the information he believed to be relevant to the time of Petronella's disappearance in 2009, but a statement was not obtained from him until 2015.<sup>50</sup> Obviously time has eroded his memory of detail, but certainly not the aspects of her disappearance he believed to be significant at the time.<sup>51</sup>

Having observed Mr Kuiper via video-link I do not believe those experiences detract from the veracity of his recall. He is not the sort of person to have assisted police, unless he believed he had good reason to try and assist them because of his knowledge of Petronella. Having attempted to assist the police and then been subjected to suspicion himself, probably due to his son's mental illness, Mr Kuiper is not the sort of person who would have continued to try and help the police, until they came to him seeking information.

Mr Bickley also recorded his belief he had sighted Petronella on two occasions in the years following her disappearance in April/May 1999.<sup>52</sup> While Mr Bickley was adamant when making his statement these had been genuine sightings of Petronella, he stated in evidence that, having listened to the evidence he believed he could have been mistaken, and that his recorded sighting of Petronella on 4 May 1999 was probably the last true sighting he had of her. He considered

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<sup>50</sup> Ex 1, tab 29

<sup>51</sup> Ex 1, tab 29

<sup>52</sup> Ex 1, tab 6

his later glimpses may have been someone he had mistaken for Petronella.<sup>53</sup>

The Broome Police had also received information in 2000 that Petronella had been seen on a train station by a cousin and as a result the missing person report from 1999 was closed. It became apparent later that cousin had some difficulties with mental health issues and her sighting may well have related to 1989 rather than 1999. However, the matter was not verified and the missing person report was closed nine months after she was report missing in 1999.<sup>54</sup>

In the timeframe immediately following Petronella's disappearance her bank key card was used which raised concerns she may have still been alive. Petronella's mum advised the inquest she had Petronella's key card and she had not used it.<sup>55</sup> Mr Cook, however, stated he and Petronella used to interchange their bankcards while they were living together, and he had used Petronella's key card at the time she disappeared, before he realised she had disappeared. Once he realised she had disappeared he returned her key card and personal items to her mum.<sup>56</sup> Ms Albert believed Petronella had given her key card. I do not believe there is anything in those discrepancies other than the elapse of time and the precise sequence of events is likely to be imprecise.

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<sup>53</sup> † 04.07.17, p62, 69, 72

<sup>54</sup> Ex 1, tab 53

<sup>55</sup> † 04.07.17, p36

<sup>56</sup> † 05.07.17, p102

Following the original missing person's enquiry in 1999, and the closing of the file as a result of a cousin saying she had seen Petronella at a train station in Perth, the original case file appears to have disappeared. Enquiry with the Broome Detectives office by police later in 2007 believed the file may have been destroyed by flooding which occurred in the Broome Detectives office sometime after 1999.<sup>57</sup>

The matter remained closed, however, in 2007 the WAPol Special Crime Squad reviewed the file in an attempt to finalise the missing person report because there had been no further sighting or information concerning Petronella which was very unusual in view of her normal lifestyle. The Special Crime Squad reactivated the matter as a suspected homicide due to the prolonged time in which there had been no record of her being alive.<sup>58</sup>

The 2007 investigation revealed 23 areas in which further investigations could be made. Nine of those were completed at that review, but 14 remained outstanding until September 2010, when another five actions were completed in relation to the collection of DNA, victimology and potential forensic leads. While it appears DNA was taken from a vehicle there is no record either with the police or the

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<sup>57</sup> Ex 1, tab 9, t 04.07.17, p12-17

<sup>58</sup> Ex 1, tab 2

state forensic laboratories, of any DNA sampling relating to Petronella's disappearance.<sup>59</sup>

Nothing further appears to have happened until in October 2015 the State Crime Operations Squad were tasked with conducting a review to "*identify further investigative opportunities and complete the investigation*".<sup>60</sup>

That review recommended a new investigation using contemporary technology and a significant file was put together which comprised the brief used for the purposes for the inquest. That investigation was certainly thorough, but there is no doubt it was hampered by the elapse of time and the fact many of the witnesses recall of 1999 would have been affected by time, alcohol, and contaminated by discussion between people of events over the years.

The one event that is clear is that Petronella disappeared during the week 28 April 1999 to 5 May 1999 and that she was never heard from again. This in itself is totally out of character for someone who was very well known and liked in and around Broome in 1999.

WAPol investigated the involvement of Mr Nicholls, but there was no physical evidence he was involved in her disappearance. There is circumstantial evidence he could

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<sup>59</sup> Email exchange between police and PathWest on 4 July 2017

<sup>60</sup> Ex 1, tab 2

have been involved, but that line of enquiry ceased with his death on 20 July 2001.<sup>61</sup>

Similarly another person who was investigated appears not to have been in Broome during the week of Petronella's disappearance. There is no evidence to suggest Mr Cook or Mr Bickley were involved in her disappearance, although I note her mum's concern a new barbeque was built at Mr Cook's residence shortly after Petronella's disappearance.<sup>62</sup>

### **CONCLUSION AS TO THE DEATH OF PETRONELLA**

I am satisfied Petronella was a 22 year old Aboriginal female, well known and liked in and around Broome until May 1999.

I am satisfied she had a volatile relationship with Mr Cook which was probably fairly destructive to both of them. I suspect on the occasions Petronella considered herself not to be in a relationship with Mr Cook, she would party around town and visit nightclubs with various men she met. She was clearly popular as a lively and caring companion.

I am also satisfied her predominant place of residence in April 1999 was 4B Placanica Place as recorded by the police on the missing person report signed by Mr Cook. However, I

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<sup>61</sup> Ex 1, tab 60

<sup>62</sup> Conveyed to police during the inquest but not repeated in evidence although invited to add anything Ms Albert thought may further the enquiries.

am also satisfied that on the occasions Petronella considered herself not to be in a relationship with Mr Cook she would stay in a variety of places. It is also clear Mr Cook was not always aware of whether Petronella considered herself to be in a relationship with him.

I am satisfied that following an evening at the Nippon Inn nightclub Petronella disappeared, although I am unable to say precisely when or how.

It does seem the circumstantial evidence relating to Mr Nicholls in the timeframe of Petronella's disappearance, and her relationship with people in and around Broome would indicate she must have met an untimely end or I am satisfied she would have contacted family to say she was safe and well.

In the event Mr Kuiper's recall of Mr Nicholls actions is correct it does support an implication Petronella was spending time with Mr Nicholls following his release from prison on 24 April 1999. There is other evidence to support that implication but it is tenuous and could not establish the fact beyond a reasonable doubt. It also supports an implication something happened one night involving an assault by Mr Nicholls on an aboriginal female which Mr Nicholls believed may be evidenced by something to do with a car he was using around the time of Petronella's

disappearance. Mr Nicholls died in South Australia in 2001 and it is not possible to take that matter any further.

I am satisfied, on all the evidence, that Petronella is deceased, beyond all reasonable doubt. Even Mr Bickley, who last saw her on 4 May 1999 but believed he had seen her after that time, agreed she would have contacted her family by now had she still been alive.

It is generally acknowledged in Broome that Petronella is deceased and I am satisfied she came to an untimely death, whether it be by way of accident and someone disposing of her body, or by homicide. As such I am also satisfied that her death was a reportable death.

I empathise with her family's distress they have never had an opportunity to say goodbye or deal with Petronella's remains in a spiritually appropriate manner.<sup>63</sup> I am very sorry for their loss of a loved family member.

### **MANNER AND CAUSE OF DEATH**

I am unable to determine the manner and cause of Petronella's death. I am satisfied she disappeared sometime after a night at the Nippon Inn nightclub in late April or early May 1999. It is likely she was in the company of somebody at the time of her disappearance. I am satisfied foul play was involved, but whether that be due to

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<sup>63</sup> † 04.07.17, p36

concealment of her death and/or the physical causing of her death is impossible to now determine.

I find Petronella disappeared in the week between 28 April 1999 and 5 May 1999, despite the fact she was reported missing on 3 May 1999. Aside from determining Petronella is deceased beyond all reasonable doubt I am unable to make any further determinations.

Accordingly, I make an Open Finding into the manner and cause of Petronella's death.

E F Vicker  
**Deputy State Coroner**  
16 November 2017